

Proposed First Reading – March 22, 2019**EXISTING:*****Chapter 61-3 (Issuance of permits.)***

- A. The Building Official shall review the plans for complete compliance with all Town ordinances or other applicable requirements. He may discuss the plans with the owner or agent for clarification of any part of the plans and point out necessary changes for compliance or possible reasons for disapproval. The Building Official shall submit his recommendation for approval or disapproval to the Building Committee, setting forth the reasons for his recommendation.
- B. Any new construction costing less than \$20,000 may be approved and the building permit issued by the Building Official without submitting the building permit application to the Building Committee for approval. Any additions, alterations or renovations of existing structures which do not change the horizontal dimensions, roof peak height or flood zone elevation requirements of the existing structure may be approved and a building permit issued by the Building Official without submitting the building permit application to the Building Committee for approval.
- C. The **Building Committee** will instruct the Building Official to issue the permit, if approved. Signatures of at least two members of the **Building Committee** are required for approval.

PROPOSED:

- A. The Building Official shall review the plans for complete compliance with all Town ordinances or other applicable requirements. He/she may discuss the plans with the owner or agent for clarification of any part of the plans and point out necessary changes for compliance or possible reasons for disapproval. The Building Official may seek outside counsel in the permit review or inspection process if needed.
- B. Any additions, alterations or renovations of existing structures which do not change the horizontal dimensions, roof peak height or flood zone elevation requirements of the existing structure may be approved and a building permit issued by the Building Official.
- C. **Issuance of Building Permits.**
 - 1) In the Residential Zone, the Building Official will be responsible for issuance and renewal of all building permits and enforcing applicable provisions of the code.
 - 2) In the Commercial Zone, the Building Official will submit his/her recommendations to the Building Committee for approval of a building permit for new commercial construction projects only.
 - a) Any building permit application and plans for new construction of a single-family dwelling in the Commercial Zone is exempt from Building Committee approval.

Proposed First Reading – March 22, 2019**EXISTING:*****Chapter 61-6 (Duration of permit; failure to comply with time limits.)***

- A. Any permit issued hereunder shall be valid for a period of 15 months from the date such permit is granted; provided, however, that construction has commenced within 30 days from the date of issuance and has continued unabated except for delays caused by acts of God (catastrophic acts beyond the control of the permit holder). Any such delays shall be documented and submitted to the **Building Official and Building Committee** for consideration of extension of the permit.
- B. Renewal of permits:
- 1) Any permit originally issued for 15 months as stated in § 61-7A (above) may be renewed upon the payment of a renewal fee in the amount of 100% of the original permit fee for an additional period not to exceed six months upon the approval of the Building Official.
 - 2) The **Building Official, Town Manager and one member of the Building Committee** shall monitor the progress of the work during this six-month renewal period to determine if the permit holder has proceeded with good faith and due diligence.
 - 3) Any extension of the permit beyond this six-month renewal period must be approved or denied by a resolution of Town Council, who may consider recommendations from **the Building Official and Building Committee**, including the results of the monitoring established in B(2) above. No additional extension or renewal will be granted unless all exterior work on a structure is complete. This shall include roof shingles, all walls, windows, siding, doors and decks and stairs.

Proposed:***Chapter 61-6 (Duration of permit; failure to comply with time limits.)***

- A. Any permit issued hereunder shall be valid for a period of 15 months from the date such permit is granted; provided, however, that construction has commenced within 30 days from the date of issuance and has continued unabated except for delays caused by acts of God (catastrophic acts beyond the control of the permit holder). Any such delays shall be documented and submitted to the **Town Manager and Building Official** for consideration of extension of the permit.
- B. Renewal of permits:
- 1) Any permit originally issued for 15 months as stated in § 61-7A (above) may be renewed upon the payment of a renewal fee in the amount of 100% of the original permit fee for an additional period not to exceed six months upon the approval of the Building Official.
 - 2) The **Town Manager and Building Official** shall monitor the progress of the work during this six-month renewal period to determine if the permit holder has proceeded with good faith and due diligence.
 - 3) Any extension of the permit beyond this six-month renewal period provided in subparagraph B(1) above must be approved or denied by a resolution of Town Council, who may consider recommendations from the **Town Manager and Building Official**, including the results of the monitoring established in B(2) above. No additional extension or renewal will be granted by the Town Council unless all exterior work on a structure is complete, including, but not limited to, installation/construction of roof shingles, all walls, windows, siding, doors, decks and stairs.

CHAPTER 61 – Article IV

EXISTING:

§61-20. Wireless Facilities.

A. Definitions. The terms below have the following meanings:

- 10) "Building Committee" is a committee comprised of at least three (3) residents of the Town of Fenwick Island, Delaware, appointed by the Mayor.

C. Permit required to place DAS and or Small Cell Technology Facilities in Right-of-Way or on Town-owned property under the following conditions:

2) The Town Manager (or his/her designee), **in consultation with at least two (2) members of the Building Committee**, will review and administratively process any request for a permit to determine, in the exercise of the Town Manager's (or his/her designee's) reasonable discretion, if a permit should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure on the Right-of-Way is the minimal physical installation which will achieve the goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section, this permitting process will be administrative and not require the approval of any Town Council member or Town official other than the Town Manager (or his/her designee), **after reasonable consultation with at least two (2) members of the Building Committee**. In the event the Town Manager is unavailable to perform his/her duties or identify a designee in accordance with this paragraph, the Mayor shall be the Town Manager's designee for purposes of this paragraph.

The factors, requirements and guidelines that the Town Manager (or his/her designee), **in consultation with at least two (2) members of the Building Committee**, may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structure on the Right-of-Way include, but are not limited to, the following:

PROPOSED:

§61-20. Wireless Facilities.

A. Definitions. The terms below have the following meanings:

Remove Item (10)

Renumber Remaining Items in Section.

C. Permit required to place DAS and or Small Cell Technology Facilities in Right-of-Way or on Town-owned property under the following conditions:

2) The Town Manager (or his/her designee) will review and administratively process any request for a permit to determine, in the exercise of the Town Manager's (or his/her designee's) reasonable discretion, if a permit should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure on the Right-of-Way is the minimal physical installation which will achieve the goal of enhancing the

provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section, this permitting process will be administrative and not require the approval of any Town Council member or Town official other than the Town Manager (or his/her designee). In the event the Town Manager is unavailable to perform his/her duties or identify a designee in accordance with this paragraph, the Mayor shall be the Town Manager's designee for purposes of this paragraph.

The factors, requirements and guidelines that the Town Manager (or his/her designee) may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structure on the Right-of-Way include, but are not limited to, the following:

POSTED: *January 28, 2019*

EXISTING:

Chapter 81-2 (Notice of nonexistent or insufficient protection structure.)

Each year the Town's Building Official shall determine which private properties have either no erosion protection structure or a deteriorated structure no longer effective in controlling erosion. With the concurrence of one (1) member of Town Council and **one (1) member of the Building Committee**, both appointed by the President of Town Council, the Building Official shall give written notice to the owner of each such property requiring that the installation of a new or repaired structure shall be completed by no later than one (1) year after the date of such notice. A deteriorated structure no longer effective in controlling erosion is defined as one having water routinely collected on the land side of the structure during normal high tides.

PROPOSED:

Each year the Town's Building Official shall determine which private properties have either no erosion protection structure or a deteriorated structure no longer effective in controlling erosion. **With the concurrence of the Town Manager and one (1) individual appointed annually by the President of Town Council, who shall be known as the Erosion Control Official for the Town,** the Building Official shall give written notice to the owner of each such property requiring that the installation of a new or repaired structure shall be completed by no later than one (1) year after the date of such notice. A deteriorated structure no longer effective in controlling erosion is defined as one having water routinely collected on the land side of the structure during normal high tides.